

**PETITION TO VACATE PLATTED EASEMENT
IN THE CITY OF WEST LAFAYETTE, INDIANA**

COMES NOW Family Express Corporation (“Petitioner”), and hereby respectfully petitions that a certain platted easement in the City of West Lafayette, Tippecanoe County, Indiana more particularly described herein, be vacated and that the proper authorities schedule a public hearing on this petition, give proper notice of said public hearing at the expense of the Petitioner, and duly adopt an ordinance in the form and substance submitted herewith, and in support thereof states as follows:

1. This petition is filed pursuant to Indiana Code § 36-7-3-12 and Indiana Code § 36-7-3-16.
2. The Petitioner is a person interested in property commonly known as Lindberg Rd., West Lafayette, Tippecanoe County, Indiana (Key Number 164-00300-0030) and 1812 Northwestern Ave., West Lafayette, Tippecanoe County, Indiana (Key Number 164-00300-0238) (“Petitioner Real Estate”), pursuant to Indiana Code § 36-7-3-12(a)(1).
3. The Petitioner Real Estate is subject to a 30' platted easement for future street (the "Proposed Vacated Easement"), which said Proposed Vacated Easement is shown in the drawing prepared by TBird Design Services Corporation and attached hereto as **Exhibit A** and more particularly described in the attached **Exhibit B**.
4. The Petitioner hereby requests that the Proposed Vacated Easement located on the Petitioner Real Estate be vacated, together with any other public easements therein.
5. The Proposed Vacated Easement will be replaced with a dedicated 25' right-of-way for Elm Drive.
6. The platted easement is 30' while only 25' of Elm Drive is located on Petitioner Real Estate, therefore, upon dedication of the 25' right-of-way, the net result will be 5' of vacated easement.
7. Petitioner has provided a copy of this Petition to the City Engineer’s office.
8. The following is a list of the names and addresses of all owners of land abutting the Proposed Vacated Easement:

Kathleen B. George
1748 Northwestern Avenue
West Lafayette, Indiana 47906
Key Number 164-00300-0964

Peter & Li Yuan Bermel
1011 Elm Drive
West Lafayette, Indiana 47906
Key Number 164-00300-0249

Barbara A Lee
1012 Elm Drive
West Lafayette, Indiana 47906
Key Number 164-00300-0227

Alan D. Parker
1015 Lindberg Road
West Lafayette, Indiana 47906
Key Number 164-00300-0040

10. Upon vacation of the Proposed Vacated Easement and dedication of the 25' right-of-way, 5' of the original platted easement will become a part of the Petitioner Real Estate.

Exhibit A hereto shows the approximate location of the portion of the original platted easement that will vacated and the portion of the original platted easement that will be the dedicated right-of-way.

WHEREFORE, all of the above is requested for the good and benefit of the City of West Lafayette, Indiana.



Todd Etzler, Vice President
Family Express Corporation
213 South State Road 49
Valparaiso, Indiana 46383-7976

STATE OF INDIANA)
)SS:
COUNTY OF Porter)

Before me, the undersigned, a Notary Public in and for said County and State, this 13th day of January, 2015, personally appeared Todd Etzler as Vice President on behalf of Family Express Corporation, and acknowledged the execution of the foregoing instrument.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Heather N. Kelter

(written)

Heather N. Kelter

(printed)

NOTARY PUBLIC

My Commission Expires:

1-7-2022

Resident of Porter County

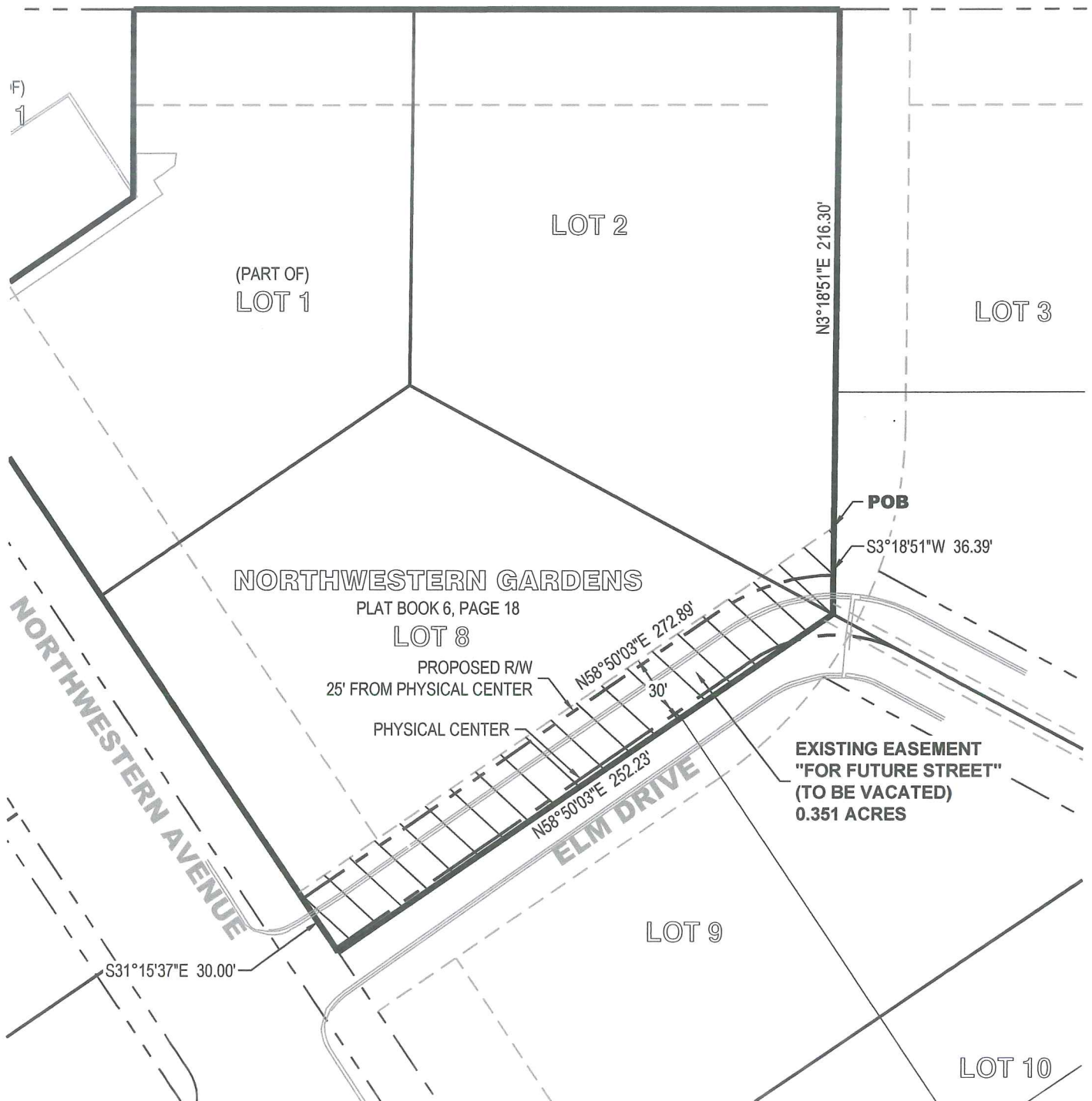


This instrument prepared by:
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EXHIBIT "A"
PROPOSED VACATED EASEMENT DRAWING

See Attached.

LINDBERG ROAD



TBIRD
Design Services Corporation
Engineering • Surveying • Environmental
Construction Management
105 NORTH 10TH STREET • LAFAYETTE, INDIANA
phone: (765) 742-1900 • fax: (765) 742-1905
www.tbirddesign.com

RIGHT OF WAY / EASEMENT EXHIBIT

LOTS 2, 8, & PART OF LOT 1 OF THE NORTHWESTERN
GARDENS ADDITIONS TO THE CITY WEST LAFAYETTE
AND
PART OF THE NORTH HALF OF SECTION 18, TOWNSHIP 23
NORTH, RANGE 4 WEST, WABASH TOWNSHIP, TIPPECANOE
COUNTY, INDIANA

PROJECT:
14110

DATE:
12/16/2014

CHECKED BY:
PEW

DRAWN BY:
NMD

DRAWING FILE:
14110-VACATED EASEMENTS.DWG

SHEET:
1 of 1

EXHIBIT "B"
PROPOSED VACATED EASEMENT DESCRIPTION

See Attached.

LEGAL DESCRIPTION – “FUTURE STREET EASEMENT” (TO BE VACATED):

A part of Lots Numbered Two (2) and Eight (8) in Northwestern Gardens, being located in Wabash Township, Tippecanoe County, West Lafayette, Indiana and as depicted on the plat thereof, recorded in Plat Book 6, Page 18 in the Office of the Tippecanoe County Recorder, being a part of a 60 foot wide “Future Street Easement” as depicted on said plat and as shown on an ALTA / ACSM Land Title Survey prepared by TBIRD Design Services, Corp., Project No. 14110, and being more completely described as follows:

COMMENCING at an iron pipe marking the northeast corner of said Lot Number Two; thence along the east line of said Lot, South 3°18'51" West, 216.30 feet to the POINT OF BEGINNING; thence continue along said east line, South 3°18'51" West, 36.39 feet to a 2-inch long Mag nail with washer stamped “TBIRD FIRM #0052” hereinafter referred to as a TBIRD Mag nail marking the southeast corner of said Lot; thence along the southeasterly line of said Lot Number Eight, South 58°50'03" West, 252.23 feet to a TBIRD Mag nail marking the southerly corner of said Lot; thence along the westerly line of said Lot, being coincident with the northeasterly right of way of Northwestern Avenue, North 31°15'37" West, 30.00 feet to the northwesterly bounds of said “Future Street Easement”; thence along said northwesterly bounds North 58°50'03" East, 272.89 feet to the POINT OF BEGINNING, containing 0.181 acres, more or less.

